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Kenneth Schmitt
Supervisor
Town of Carmel
60 McAlpin Avenue
Mahopac, NY 10541

Dear Supervisor Schmitt:

Our engineers and inspectors at the New York City Department of Environmental Protection (DEP) have spent several weeks reviewing the Town of Carmel's initial request to allow an out-of-district sewer connection for the business at 825 South Lake Blvd., known as Blu at the Lakehouse. The town's request came to us this summer after this restaurant received a violation notice for an unpermitted septic system from the state Department of Environmental Conservation (DEC).

After receiving the town's request to connect this out-of-district business, DEP took a number of rudimentary steps to examine whether the restaurant met our requirements to connect to the town sewage system, which ultimately feeds the New York City-owned Mahopac Wastewater Treatment Plant. Importantly, DEP policy generally prohibits out-of-district connections to collection systems that feed City-owned wastewater treatment plants. Limited exceptions, on a case-by-case basis, have been made in the past to protect water quality.

Our review of this particular request required an on-site inspection of the property's existing septic system. To examine the septic system, a DEP inspector visited the property on Sept. 4 to perform a dye test. However, our staff found that a cap had been removed from the sewer lateral that connects the Blu at the Lakehouse to Carmel Sewer District #1; as such, no dye test of the septic system was performed. This cap was in place, effectively blocking a connection between the restaurant and the sewer system, when DEP visited the site one week prior.

In our view, the unauthorized, out-of-district connection is a clear violation of the Town of Carmel's Sewer Use Law (SUL). The SUL states that the town board can accept sewage from outside the district boundaries, but any "such agreements involving the Mahopac Wastewater treatment plant are not valid without prior written approval from the NYCDEP." DEP has never provided written approval for the lateral that is serving Blu at the Lakehouse. We believe the connection also violates a

1938 agreement between the City of New York and the Town of Carmel, which outlined which properties could connect to the sewer system and under what circumstances they could connect.

We also understand that the property has been issued a notice of non-compliance this week by the Putnam County Department of Health (PCDOH) for the sewer connection. On Sept. 16, we received a note from your town engineer, asking DEP to put the connection request on hold while the town investigates the facts related to the sewer connection at this property.

In addition to these facts, our staff at DEP continue to have concerns about whether the proper as-built drawings for the force main were filed with the PCDOH, and the possibility that a fitting in the manhole could be broken. These are important questions that have not been answered and require more investigation.

Given the restaurant's proximity to Lake Mahopac, which ultimately drains into parts of the New York City reservoir system, it would be reasonable to consider an out-of-district connection to ensure the adequate collection and treatment of wastewater. In the end, this could meet DEP's chief objective of providing maximum protection for water quality in our reservoirs. However, we cannot consider such a request until the correct documents are filed, the proper steps are taken, and until a number of town and county investigations and alleged violations are brought to a satisfactory conclusion.

I have directed my staff to work with all the appropriate parties to ensure this matter is resolved in accordance with our regulations, and in a manner that is most protective of our water supply system.

Sincerely,



Paul V. Rush, P.E.
Deputy Commissioner
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